

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF WEST VIRGINIA**

KLUG BROTHERS, INC.,

Plaintiff,

v.

Case No. 22-cv-00130

The Hon. Judge Bailey

A. FOLINO CONSTRUCTION, INC.,

Defendant.

**NOTICE OF APPEAL**

Notice is hereby given that A. Folino Construction, Inc. (“Folino”), Defendant in the above-named case, hereby appeals this matter to the United States Court of Appeals for the Fourth Circuit with respect to the following Judgment and Orders of the District Court:

1. The Court’s December 5, 2023 Order granting Plaintiff Klug Brothers, Inc.’s (“Klug”) Motion in Limine to Exclude Expert Testimony of Ramon Bonquist, Ph.D. and Report of Ramon Bonquist, Ph.D. (CM/ECF No. 68).

2. The Court’s December 6, 2023 Order granting Klug’s Motion for Leave to File Renewed Motion for Summary Judgment. (CM/ECF No. 71).

3. The Court’s December 8, 2023 Order granting Klug’s Renewed Motion for Summary Judgment, whereby the Clerk was directed to (1) enter judgment in Klug’s favor in the amount of One Hundred Seventy Thousand Four Hundred Forty-Nine and 66/100 Dollars (\$170,449.66), (2) enter judgment against Folino, including Folino’s counter-claims, and (3) cancel the trial scheduled for Tuesday, December 12, 2023. (CM/ECF No. 78).

4. The Clerk’s Judgment in favor of Klug and against Folino. (CM/ECF No. 79).

This appeal is taken to the United States Court of Appeals for the Fourth Circuit.

**A. FOLINO CONSTRUCTION, INC.,**

By Counsel,

/s/ Robert M. Palumbi

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**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that on January 5, 2024 the foregoing *Notice of Appeal* was served via the Court's CM/ECF system on the following:

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